

OMARU BLOCK.

In the matter of the application of Stephen Hooper, of Waverley, under "The Native Land (Validation of Titles) Act, 1892," with regard to Omaru Block.

We, the undersigned, Judge and Assessor of the Native Land Court, being duly appointed under the first above-recited Act, and having in open Court inquired into the said application, do hereby report thereon as follows:—

This block was held by thirty-two Natives under a certificate of title issued under section 17 of "The Native Land Court Act, 1867." By transfer dated the 26th day of October, 1878, all the Natives named on the face of the certificate transferred their interests to the said Stephen Hooper; the transfer was passed by a Trust Commissioner. No steps whatever seem to have been taken towards obtaining the consent of the other Natives, who under section 17 are described as the registered owners.

We note the provisions of section 17 of the Act of 1867, and also sections 97 and 98 of "The Native Land Act, 1873," on the subject of alienation of lands held by Natives under the 17th section of "The Native Land Act, 1867."

It is abundantly clear to us that there are no means under the present law of completing the title of Mr. Hooper to this block.

We have already furnished to your Honour our certificate under section 5 of the above-mentioned Validation Act.

We think that some means should be devised whereby the interests of the Natives who have sold be ascertained and awarded to the purchaser, the balance of the land being awarded to the registered owners who have not sold or assented to the sale.

And we venture respectfully to suggest that the Native Land Court be empowered to do this.

Given under our hands and the seal of the Court, at Wanganui, this 27th day of July, 1893.

ROBERT WARD, Judge.

LENI TAPIHANA, Assessor.

His Honour the Chief Judge, Native Land Court, Wellington.

KAINGAPIPI BLOCK.

In the Native Land Court, and in the matter of "The Native Land (Validation of Titles) Act, 1892," and of the application of John Kebbell (No. 51) for a certificate under the said Act in respect of the Kaingapipi Block.

THIS application came on for hearing at Otaki on Thursday, 13th July, 1893. The notes of evidence taken are appended. The applicant appeared in person, and produced an agreement dated the 19th day of July, 1893, purporting to be an absolute sale of and agreement to transfer to the said John Kebbell, in consideration of £68, the whole of Kaingapipi Block, containing 170 acres. The agreement appeared to be duly signed by all the owners of the block, and to have been duly interpreted and executed with all required formalities, and to have been a valid instrument within the meaning of section 4 of "The Native Land Act, 1869." There seemed no doubt that the price paid was a fair price, and that the Natives quite understood what they were doing; and that each of them received his or her share of the purchase-money. The difficulty really arose from the fact that, instead of taking a transfer of the land in the first instance, the purchaser (acting apparently under wrong advice as to the legal position) took an agreement only. This necessitated his subsequently applying to the Natives for a transfer, which they refused to execute, demanding to be paid at the rate of £1 per acre. From the evidence, there seemed no reason to believe that there was ever any such undertaking on the part of the purchaser, and the evidence given as to the value of the land rendered such an assertion very improbable. Had a transfer been taken in the first instance, the Court was of opinion that no such claim would ever have been heard of. The principal opposition emanated from one Piwiki Hone te Horohau, the successor of one of the deceased owners. The Court is of opinion that if Natives were allowed to dispute such transactions as this it would be useless to get any instrument executed by them. The Court is therefore of opinion that this is a proper transaction for a certificate under the above Act.

G. B. DAVY, Judge.

LOT 16, TOWNSHIP OF MANGONUUI.

SIR,—

Native Land Court, Te Paeroa, 25th July, 1893.

I have the honour to report for the information of the Hon. the Native Minister upon Lot 16, Township of Mangonui, the alienation of which land was the subject of an inquiry under "The Native Land (Validation of Titles) Act, 1892."

The inquiry in question took place at a sitting of the Native Land Court, held at Auckland on the 9th June, 1893.

No one appeared to object to the claim made by William H. Prosser, the person now in occupation of and beneficially interested in the land.

During the hearing it transpired that the deed was not in accordance with the provisions of the Act of 1873, relating to the purchase of Native lands, inasmuch that a translation of the instrument of sale had not been indorsed thereon at the time the deed was signed, nor was the signature witnessed by a Resident Magistrate, as required by the law then in force. In all other respects the deed was good, and, in the opinion of the Court, the sale was a fair and *bona fide* transaction.

It was also the opinion of the Court that the omissions already mentioned are excusable, inasmuch that the deed in question was signed at Mangonui only six days after the Act of 1873 came into force, and it may therefore be fairly presumed that the persons who conducted the transaction were ignorant of the fact that the law had been altered by that Act.

I have, &c.,

W. E. GUDGEON, Judge, Native Land Court.